

SERVICE DATE – LATE RELEASE MAY 31, 2005

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-55 (Sub-No. 638X)

CSX TRANSPORTATION, INC.–ABANDONMENT EXEMPTION–
IN KNOX COUNTY, OH

Decided: May 31, 2005

By decision and notice of interim trail use or abandonment (NITU) served on October 31, 2003, the Board granted the petition for exemption filed by CSX Transportation, Inc. (CSXT), for abandonment of an approximately 6.37-mile line of railroad, in CSXT's Midwest Region, Louisville Division, Lake Erie Subdivision, extending from milepost BQ-25.90, at Mt. Vernon, to milepost BQ-32.27, at Fredericktown, in Knox County, OH.¹ The exemption was subject to public use, environmental, and standard employee protective conditions, as well as a trail use condition authorizing a 180-day period for the Knox County, OH Commissioners (Knox County) to negotiate an interim trail use/rail banking agreement with CSXT for the right-of-way involved in this proceeding. The negotiating period was extended through May 31, 2005, by decisions served on April 26, 2004, July 9, 2004, August 24, 2004, September 2, 2004, January 3, 2005, and February 25, 2005.

On May 26, 2005, CSXT filed a request for an extension of the negotiating period until November 27, 2005. It states that additional time is needed to negotiate with Knox County. Additionally, CSXT requests an extension of the consummation notice filing deadline until January 26, 2006.²

Where, as here, the carrier is willing to continue trail use negotiations, the NITU negotiating period may be extended. Because an extension of the consummation notice filing deadline and the NITU negotiating period will promote the establishment of trails and rail

¹ The October 31, 2003 decision stated that, if consummation has not been effected by CSXT's filing a notice of consummation by October 31, 2004, and there are no legal barriers to consummation at that time, the authority to abandon would automatically expire. The pendency of conditions, including trail use conditions, serves to extend the deadline for consummation of the abandonment until 60 days after the expiration, satisfaction, or removal of the legal or regulatory barrier to consummation.

² Under 49 CFR 1152.29(e)(2), a railroad may, for good cause shown, file a request for an extension of time to file a notice of consummation in abandonment proceedings.

banking consistent with the National Trails System Act, 16 U.S.C. 1247(d),³ the requested extensions will be granted. Accordingly, the NITU negotiating period will be extended to November 27, 2005, and the consummation notice filing deadline will be extended to January 26, 2006.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. CSXT's requests to extend the NITU negotiating period and to extend the time to exercise the abandonment authority are granted.
2. The negotiating period under the NITU is extended to November 27, 2005.
3. The authority to abandon must be exercised on or before January 26, 2006.
4. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary

³ See Rail Abandonments—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).